REGION IV
SUSPENSION/EXPULSION/EXEMPTION
REVIEW
1997-1998 SCHOOL YEAR

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INTRODUCTION

Issues raised by directors of education, consultants, teachers and others interested in education across the region have, for several years described concerns about changing patterns of student behavior. One thread of conversation has focussed on increasingly younger children engaging in behaviors that lead to removal from classrooms and schools. Other issues that have surfaced, primarily in the city, though not limited to the city, relate to the number of children/youth of compulsory school age who are not in school. A third focus of discussion has been the department's focus on providing specific fiscal support for children and youth with behavior issues (Targeted Behavior Funding: TBF). This has raised questions about the relationship of the obligations under Section 186 of the Education Act requiring boards of education to provide services and programs to students with disabilities, including behavioral disabilities, and the obligation to provide a safe and productive environment for all students and staff. Suspension, expulsion or exemption is one vehicle that allows boards of education to exclude students from school for behaviors that threaten that environment.

In the spring of 1997, a draft questionnaire was circulated to school division officials in Region IV. The focus of the questionnaire was on the "suspension, expulsion, exemption practices" in schools. After considerable revision, it was determined that data would be collected for a full school year (1997-98) by volunteer school divisions in Region IV regarding the incidence of suspension, expulsion or exemption under sections 154, 155 or 157 of the Education Act (1995) (see Appendix A).

Eleven school divisions participated in this survey, comprising approximately 92% of the September 30, 1997 Region IV K-XII population. An individual incident form was to be completed for each student given an out of school

suspension, expelled or exempt from attendance. Some forms were submitted incomplete, in that some category of information was not filled in. All data that was entered on the forms was used in the tables presented below. A sample of the form is attached as Appendix B.

Tables 1 through 9 displayed below represent the data submitted. Limited interpretive information is offered. However, the scale of the survey reflecting suspension, expulsion or exemption practices should, in the writer's opinion, provoke a discussion of these practices and how schools and communities respond to students who engage in the behaviors identified.

Table 1 identifies the number of students in each participating school division and compares that number to the September 30, 1997 enrollment.

Table 1

Percentage of Students Suspended, Expelled or Exempt by Participating Region IV School Boards (1997-1998)

Region IV Data Information	Sept 30, 1997 Enrollment	Number of Students Suspended/Expelled/ Exempt 1997-98 School Year	Percent of School Division Enrollment
TOTAL	52,613	1,181	2.24

Table 2 compares the rate of suspension, expulsion or exemption by gender

Table 2

Gender Differences in Rate of Suspension, Expulsion or Exemption (1997-98 School Year)

Region IV Data Information	Number of Students Suspended/Expelled/ Exempt	Males	Females
TOTAL	1,181	945(80%)	236 (20%)

Table 3 identifies the number of incidents of suspension, expulsion or exemption per student. Sixteen percent of the students had two or more incidents during the 1997-98 school year.

Table 3

Incidents Per Student
(1997-98 School Year)

Region IV Data Information	Number of students with one incident	Number of students with two incidents	Number of students with more than two incidents	No Data
			43 (3 each) 15 (4 each) 10 (5 each) 7 (6 each) 2 (8 each)	
TOTAL	880 (84%)	95 (9%)	77 (7%)	129

Table 4 presents data regarding the average amount of time that students were suspended. It also shows that 26 students were suspended, expelled or exempt either for an extended period or up to a year.

Table 4

Duration of Suspensions, Expulsions, Exemptions (1997-98)

Region IV Data	Number of incidents: suspended up to 3 days (total # of days)	Average length of suspension	Number of incidents: suspended up to 10 days (total # of days)	Average length of suspension	Number of incidents suspensions up to 1 year	Excluded beyond one year	Exemptions
Average length of suspension		1.71		6.5			

Table 5 identifies the educational program that students were enrolled in at the time of the incident(s) that led to their suspension, expulsion or exemption. Approximately one-quarter of the students were in modified or alternative programs, and or were receiving special education support.

Table 5

Student's Program at Time of Suspension, Expulsion or Exemption (1997-98)

Program Description	Rural School Divisions	Urban School Divisions
Regular	289	496
Regular with Special Ed Support	40	50
Modified	11	31
Modified with Special Ed Support	28	34
Alternative Secondary 18/28/38	16	0
Alternative Secondary Functional Integrated	4	1
Other	0	33

Table 6 demonstrates the distribution of students by year of birth, or age, assuming that the data was collected during 1997 who were suspended, expelled or exempt. It is interesting to note that approximately 80% of these students were of compulsory school attendance age.

Table 6

Distribution of Suspended Expelled or Exempt Students
By Year of Birth/Chronological Age
During the 1997-98 School Year

Year of birth	92	91	90	89	88	87	86	85	84	83	82	81	80	79	78	77	No Data
Chrono-logical age in 1997	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
TOTAL	2	18	21	40	62	70	113	106	151	122	95	102	81	27	11	1	161

Table 7 demonstrates the distribution by grade placement of students suspended, expelled or exempt.

Table 7

Distribution of Suspended, Expelled or Exempt Students by Grade Level (1997-98 School Year)

Region IV Data Information	K	1	2	3	4	5	6	7	8	9	10	11	12	Data Incomplete
TOTAL	1	24	28	49	45	81	118	122	186	119	117	94	87	105

Table 8 presents a codification of the 1287 reasons written onto the forms as to the nature of the behavior that led to the suspension, expulsion or exemption. The table also displays the distribution of reasons according to the codification.

Table 8

Reasons Given For Suspension, Expulsion or Exemption (1997-98)

Code #	General Description	Number of Incidents	Percent of Total
1	Weapons (i.e. guns, knives, rocks, etc)	45	3.64
2	Fighting, injuring, threatening to harm , gross misconduct	535	43.25
3	Opposition to authority, defiant	209	16.9
4	Verbal abuse, harassment, lying, profanity	101	8.16
5	Drugs, alcohol, marijuana	108	8.73
6	Smoking tobacco	92	7.44
7	Damage to property	24	1.94
8	Theft, stealing	30	2.43
9	Irregular attendance, refuse detention	35	2.83
10	Behavior not otherwise classifiable i.e. inappropriate behavior, disruptive behavior pulled fire alarm multiple incidents (not elaborated) neglect of duties accumulation of number of misbahaviors attempting to start a grass fire pulling his pants down and exposing himself sexually explicit writing visiting pornographic sites on the Internet bringing pornographic material to school as per Section 154(2) (of the Education Act 1995)	58	4.69
		1237	100%

Table 9 uses the codification displayed in Table 8 and identifies the reasons for suspension, expulsion or exemption by year of birth.

Table 9

Reason for Suspension, Expulsion or Exemption in Relation to Student Age (1997-98)

Year of birth	Age in 1997	Code for Reasons Given for Suspension, Expulsion or Exemption (See Table 8)									
		1	2	3	4	5	6	7	8	9	10
1992	5	1	1								
1991	6		11	1					1		1
1990	7	1	11	2	2						1
1989	8	1	20	6	1				3		2
1988	9	1	27	4	5			3	1		3
1987	10	2	37	8	6	2			1		5
1986	11	2	54	19	6			6			4
1985	12	12	45	12	10	2	6	1	5	2	5
1984	13	6	47	23	15	9	10	3	3	2	12
1983	14	3	26	15	6	5	19	2	5	2	1
1982	15	2	20	7	3	13	8			7	3
1981	16	1	14	12		18	12		3	9	2
1980	17	2	14	4	4	23	9		4	4	
1979	18		3	2	2	5	4		1		1
1978	19		3	1	3	3					
1977	20					1					

Appendix A
Sections 154, 155, 157 of the Education Act (1995)

Suspension
154 (1) A principal:

(a) may suspend a pupil from school for not more than three school days at a time for overt opposition to authority or serious misconduct; and
(b) where he or she suspends a pupil pursuant to clause (a), shall immediately report the circumstances of the suspension and the action taken to the parent or guardian of that pupil.

(2) A principal may suspend a pupil for a period not exceeding 10 school days where the principal receives information alleging, and is satisfied, that the pupil has:

(a) persistently displayed overt opposition to authority;
(b) refused to conform to the rules of the school;
(c) been irregular in attendance at school;
(d) habitually neglected his or her duties;
(e) willfully destroyed school property;
(f) used profane or improper language; or
(g) engaged in any other type of gross misconduct.

(3) Where a principal suspends a pupil pursuant to subsection (2), the principal shall:

(a) immediately:
  (i) report the matter to the director or person authorized to act in the director's absence;
  (ii) notify the parent or guardian of the pupil of the circumstances of the suspension and the action taken, and
  (iii) inform the pupil of the reason for his or her suspension; and

(b) as soon as is practicable:
  (i) prepare a written report of the circumstances of the suspension and provide it to:
    (A) the director or other person authorized to act in the director's absence; and
    (B) the parent or guardian of the pupil; and
  (ii) on the request of either the pupil or his or her parent or guardian, grant a hearing to the pupil and his or her parent or guardian.

(4) The director or person authorized to act in the director's absence shall confirm, reduce or remove the suspension before the expiration of the period of suspension pursuant to subsection (2) and:

(a) after consultation with the principal and any other persons he or she considers appropriate; and
(b) after granting a hearing to the pupil and his or her parent or guardian.

(5) After confirming, reducing or removing a suspension pursuant to subsection (4), the director or person authorized to act in the director's absence shall immediately submit a written report to the board of education or the conseil scolaire setting out the circumstances of the suspension.

(6) Where a board of education or a conseil scolaire chooses to investigate the circumstances of a suspension submitted to it pursuant to subsection (5), the investigation shall be concluded before the period of suspension ordered pursuant to subsection (4) ends.

(7) A board of education or a conseil scolaire may suspend the pupil from all or any of the schools in the school division or the francophone education area for a period not greater than one year where the board of education or a conseil scolaire:

(a) has conducted an investigation pursuant to subsection (6); and
(b) is satisfied, based on the investigation, that the pupil has acted in a manner that warrants suspension for a period greater than 10 schools days.

(8) Notwithstanding subsections (6) and (7), a board of education or a conseil scolaire may appoint or authorize the director or a person authorized to act in the director's absence to appoint a committee:

(a) to conduct an investigation pursuant to subsection (6); and
(b) to make a decision to suspend pursuant to subsection (7).

(9) The committee of the board of education or the conseil scolaire mentioned in subsection (8) may be composed of those members of the board of education or the conseil scolaire and officials and consultants that the board of education or the conseil scolaire considers appropriate.

(10) The committee appointed pursuant to subsection (8) may include:

(a) the principal; and
(b) the director or a person authorized to act in the director's absence.

(11) Where a committee appointed pursuant to subsection (8) makes a decision to suspend a pupil, that decision:

(a) is deemed to be a decision of the board of education or the conseil scolaire and has the same force and effect as if it were made by the board of education or the conseil scolaire;
(b) shall be reported immediately to the board of education or the conseil scolaire;
(c) may be altered, amended or revoked by the board of education or the conseil scolaire at a subsequent meeting of the board of education or the conseil scolaire.

(12) The pupil and his or her parent or guardian shall be given:

(a) notice of every investigation pursuant to subsection (6) or (8); and
(b) an opportunity to appear and make representations before the board of education, the conseil scolaire or the committee appointed pursuant to subsection (8), as the case may be.

(13) Where a pupil has been suspended pursuant to subsection (7) or (11):

(a) at the expiration of any period that the board of education or the conseil scolaire may specify in the resolution suspending the pupil, the pupil and his or her parent or guardian may request the board of education or the conseil scolaire to review and reconsider the suspension of the pupil; and
(b) on receipt of a request pursuant to clause (a) and where the board of education or the conseil scolaire considers it to be appropriate, the board of education or the conseil may:
    (i) rescind or vary the resolution suspending the pupil; and
    (ii) admit the pupil to a school on those terms and conditions that the board of education or the conseil scolaire considers appropriate.

1995, c.E-0.2,s.154

Expulsion

155(1) Notwithstanding section 154, a board of education, by resolution, may exclude a pupil from attendance at any or all schools in the school division, for a period greater than one year where, in the opinion of the board, it is appropriate to do so based on:

(a) an investigation conducted pursuant to subsection 154(6); or
(b) the unanimous report of a committee pursuant to subsection 154(11).

(2) Notwithstanding section 153, a conseil scolaire, by resolution, may exclude a pupil from attendance at any or all schools in the francophone education area for a period greater than one year where, in the opinion of the conseil scolaire, it is appropriate to do so based on:

(a) an investigation conducted pursuant to subsection 154(6); or
(b) the unanimous report of a committee pursuant to subsection 154(11).

(3) A pupil who has been expelled, or his or her parent or guardian, may, after the expiration of one year, request a review and reconsideration by the board of education or the conseil scolaire of the status of the pupil.

(4) On a review or reconsideration pursuant to subsection (3), the board of education or the conseil scolaire may, in its discretion, rescind the resolution expelling that pupil and admit him or her to a school under any conditions that it may see fit to prescribe in the circumstances.

1995, c.E-0.2,s.155

Exceptions to school attendance

157(1) A pupil may be exempted from attendance at a school, and no parent, guardian, or other person is liable to conviction for an offence pursuant to section 156 where:

(a) the pupil is under a program of instruction elsewhere with the approval of the board of education or the conseil scolaire;
(b) the pupil is in attendance at a registered independent school;
(c) the pupil is receiving instruction in a registered home-based education program;
(d) the pupil is unable to attend school by reason of:

  (i) illness, supported by a certificate of a duly qualified medical practitioner if required by the board of education or the conseil scolaire; or
  (ii) other unavoidable cause considered sufficient by the local attendance counsellor;

(e) the distance to a school that the pupil is entitled to attend or to a school bus route exceeds four kilometers, as measured by the nearest passable road from the place of residence of the pupil to the school or school bus route, as the case may be;
(f) the pupil has been suspended or expelled from school;
(g) the pupil has been excluded from attendance at school pursuant *to the Public Health Act*, 1994;
(h) the director, after inquiry or investigation, is of the opinion certified in writing, that continued attendance at school is not productive or is detrimental to the pupil or to the school;
(i) the pupil is engaged in work-experience or other educational programs authorized or approved by the board of education or the conseil scolaire, as the case may be;
(j) the pupil is absent from school on a holy day of the church or religious denomination of which the pupil or the pupil's parent or guardian is a member;
(k) the pupil is absent from school with the approval of his or her parent or guardian for the purpose of receiving medical or dental treatment; or

(l) the pupil is absent from school in order to accompany his or her parent or guardian on a period of extended travel outside the school division or the francophone education area.

(2) Where any extended period of travel mentioned in clause (1)(1) is for more than five school days, the parent or guardian shall:

(a) inform the principal of the anticipated period of absence from school;

(b) where the principal considers it appropriate, consult with him or her and any teaching staff that the principal considers appropriate with respect to what measures are to be taken to maintain reasonable continuity in the progress of the pupil in his or her courses of instruction.

(3) While a pupil is accompanying a parent or guardian on an extended period of travel, the parent or guardian is responsible for implementing the measures mentioned in clause (2)(b) to maintain reasonable continuity in the progress of the pupil in his or her courses of instruction.

1995, c.E-0.2,s.157

REGION IV SUSPENSION/EXPULSION/EXEMPTION REVIEW 1997-98 SCHOOL YEAR

SCHOOL DIVISION: _____

Code and/or Name of Student: _____ **(M)** ___ **(F)** ___

Date of Birth _____ **Grade:** _____

Out of School Suspension/Expulsion/Exemption 1997/98 (Check appropriate situation; answer appropriate question.)	**Reason(s)** Be as specific as possible. Eg. Brought a gun into school; hit and hurt a teacher.	**Student's Program Prior to and at time of incident** (Circle appropriate one(s)
Incident #1 ____ Up to 3 days (154(1)a) How many actual days? _____ ____ Up to 10 days (154(2)) How many actual days? _____ ____ Up to one year (154(7)) How many actual days? _____ ____ Exclude beyond one year (155(1)) ____ Exempted (157) Which subsection of (157) applies? _____		Regular Regular with Special Ed Support Modified Modified with Special Ed Support Alternative Secondary 18/28/38 Alternative Secondary Functional Integrated Other (please explain)
Incident #2 ____ Up to 3 days (154(1)a) How many actual days? _____ ____ Up to 10 days (154(2)) How many actual days? _____ ____ Up to one year (154(7)) How many actual days? _____ ____ Exclude beyond one year (155(1)) ____ Exempted (157) Which subsection of (157) applies? _____		Regular Regular with Special Ed Support Modified Modified with Special Ed Support Alternative Secondary 18/28/38 Alternative Secondary Functional Integrated Other (please explain)
Incident #3 ____ Up to 3 days (154(1)a) How many actual days? _____ ____ Up to 10 days (154(2)) How many actual days? _____ ____ Up to one year (154(7)) How many actual days? _____ ____ Exclude beyond one year (155(1)) ____ Exempted (157) Which subsection of (157) applies? _____		Regular Regular with Special Ed Support Modified Modified with Special Ed Support Alternative Secondary 18/18/38 Alternative Secondary Functional Integrated Other (please explain)

***** If there are additional incidents use another page and renumber the incidents.**